



# Chemical Safety and Hazard Investigation Board

OFFICE OF GENERAL COUNSEL

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Memorandum

To: Board Members

From: Kara Wenzel, Assistant General Counsel *KW*

Cc: Leadership Team

Subject: Board Action Report – Notation Item 2015-38

Date: June 17, 2015

On June 11, 2015, the Board voted to disapprove Notation Item 2015-38. The proposed item would have delegated Board administrative and executive authorities, as proposed in the attached item, at the close of business on June 24, 2015, or upon the resignation or relinquishment of executive authority by Member Griffon, whichever came first. The proposed delegations would have remained in effect until December 31, 2015, or until the President's appointment of a Chairperson of the CSB, whichever came first.

**Voting Summary – Notation Item 2015-38**

**Disposition: DISAPPROVED**

**Disposition date: June 11, 2015**

	Approve	Disapprove	Calendar	Not Participating	Date
M. Griffon		X			6/11/2015
M. Ehrlich	X				6/8/2015
R. Engler		X			6/11/2015

**U.S. Chemical Safety and  
Hazard Investigation Board**

Hon. Mark Griffon  
Board Member

Hon. Manuel Ehrlich, Jr.  
Board Member

Hon. Rick Engler  
Board Member



**CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD  
MEMBER VOTING RECORD**

**Notation No.:** 2015-38

**Voting Period:** Urgent Notation Item, June 8 – June 12, 2015, but votes are requested as soon as possible.

**Subject:** Division of Executive and Administrative Authority

Whereas,

- 1) The position of CSB Chairperson became vacant on March 27, 2015;
- 2) The Board is mindful of the need to ensure the efficient administration of the agency until such time as a new Chairperson is confirmed by the Senate and appointed by the President;
- 3) The Department of Justice Office of Legal Counsel, on April 19, 2002, provided an opinion on the delegation of administrative and executive authorities while the position of Chairperson is vacant, which is binding upon the agency and provides various alternatives for agency administration;
- 4) In May 2002, the Board approved Board Order 3 concerning the delegation of administrative and executive authority while the position of the Chairperson is vacant; however, this policy was approved when there were at least three sitting members on the Board;
- 5) It is the policy of the Board to seek consensus in agency administration and governance, particularly as the Board is potentially reduced to two sitting members.

Therefore pursuant to its authority, the Board hereby votes (notwithstanding any provision of Board Order 3) to:

- 1) Delegate to Member Engler the authority to approve the use and expenditure of funds in an amount not to exceed \$50,000; the authority to preside at public meetings of the

[continues on next page]

**Notation No.:** 2015-38

**Subject:** **Urgent Notation Item** – Division of Executive and Administrative Authority Pending the Confirmation of a New Chairperson

Board; to appear as the spokesperson representing the Board before Congress and in other official venues; to prepare and submit Federal Register notices concerning upcoming Board meetings; to prepare and release public statements on behalf of the Board; to deploy investigators to the site of an accidental release, subject to the criteria in Board Order 36;

- 2) Delegate to Member Ehrlich the authority to supervise agency personnel (including the EEO Director) and to distribute work among the various units fo the agency, except that any staff reorganization, transfer, reassignment, adverse personnel action, or settlement agreement shall required the approval of the Board as a whole; over
- 3) Delegate to the managing director (or his/her designee) the day-to-day supervision of personnel not reporting to the Board (except the members of the Office of General Counsel, the EEO Director, and the DASHO), and to approve micro-purchases, overtime, and travel (except for the Board Members);
- 4) Reaffirm that a Board vote shall be required to approve investigation reports, recommendations (including status changes under Board Order 22), the initiation or approval of any safety study, the submission of budget requests to Congress, substantive ir procedural rules or board orders, strategic and action plans, interagency memoranda of understanding, safety videos, or any other product or function of the agency not explicitly delegated here;
- 5) Direct that in the exercise of their respective administrative functions, the board members shall consult with each other to the maximum extent practical.

These delegations of administrative and executive authorities shall come into effect at the close of business on June 24, 2015, or upon the resignation or relinquishment of executive authority by Member Griffon, whichever comes first. The delegations shall remain in effect until December 31, 2015, or upon the President's appointment of a Chairperson of the CSB, whichever comes first.

**Notation No.:** 2015-38

**Subject:** **Urgent Notation Item** – Division of Executive and Administrative Authority Pending the Confirmation of a New Chairperson

\_\_\_\_\_ I **APPROVE** this notation item **AS PRESENTED**.

\_\_\_\_\_ I **CALENDAR** this notation item for discussion at a Board meeting.

\_\_\_\_\_ *Some of my concerns are discussed below or on the attached memorandum.*

\_\_\_\_\_ I **DISAPPROVE** this notation item.

\_\_\_\_\_ *A dissent is attached.*

\_\_\_\_\_ *I will not file a dissent.*

\_\_\_\_\_ I am **NOT PARTICIPATING**.

Date: \_\_\_\_\_

Member: \_\_\_\_\_